



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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91 JAN 17 PM 12:00

ADVISORY OPINION 1990-26

Concurring Opinion of Commissioner Thomas J. Josefiak

In Advisory Opinion 1989-4, at footnote 3, the Commission stated:

Although Advisory Opinion 1979-24 has been interpreted to view such sales as avoiding contribution consequences only when committees seek to liquidate assets for debt retirement purposes and terminate their operations, and Advisory Opinion 1985-1 left open the question of the effect upon such transactions of a committee's failure to terminate, the Commission now concludes that the legal character of such isolated sales of assets by political committees is not contingent upon committees pursuing debt retirement or termination. Compare Advisory Opinion 1986-14.

Advisory Opinion 1990-26 does not alter the Commission's conclusion in Advisory Opinion 1989-4 that the intention of a committee to terminate is not a necessary legal prerequisite or precondition to permitting isolated sales of assets of ascertainable market value at a "usual and normal charge." Nor is a committee's intention to terminate a particularly relevant factor, since sales of items originally obtained by a committee for fundraising purposes and lacking independent market value would likely be considered to involve the receipt of contributions from purchasers even if the committee was terminating. Therefore, reference in this opinion to the fact of the requestor's intention to terminate her committee, and citation to Advisory Opinion 1985-1, only suggests that this disposition of committee assets would have been permitted without inherent contribution consequences even under the Commission's legal analysis prior to Advisory Opinion 1989-4.

1/17/91

A handwritten signature in black ink, appearing to read "T. J. Josefiak".